

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHAIKH DALWAR HUSSAIN,)	CASE NO. C05-0756-RSM-MAT
)	
Petitioner,)	
)	
v.)	ORDER OF TRANSFER TO THE
)	UNITED STATES COURT OF
ALBERTO GONZALES,)	APPEALS FOR THE NINTH CIRCUIT
)	AS A PETITION FOR REVIEW
Respondent.)	
_____)	

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #5), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.
- (3) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings and related documents, including petitioner's pending request for stay of removal (Dkt. #5), to the Ninth Circuit Court of Appeals. The Clerk shall, however, retain a

01 copy of the Court's electronic file. The Clerk is further directed to send copies of
02 this Order to all counsel of record, and to Judge Theiler.

03
04 DATED this _29_ day of _August_, 2005.

05
06 

07 RICARDO S. MARTINEZ
08 UNITED STATES DISTRICT JUDGE
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26